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Protracted conflicts in the GUAM area and their implications for international peace, security and development

Letter dated 29 April 2016 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit to you an appeal by the Ministry of Foreign Affairs of the Republic of Abkhazia to the Member States of the United Nations, the participating States of the Organization for Security and Cooperation in Europe and the member States of the Council of Europe (see annex).

I would be grateful if the appeal could be circulated as a document of the seventieth session of the General Assembly, under agenda item 35.

(*Signed*) V. **Churkin**

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Annex to the letter from the Permanent Representative of the Russian Federation to the United Nations dated 29 April 2016 addressed to the Secretary-General

Appeal by the Ministry of Foreign Affairs of the Republic of Abkhazia to the Member States of the United Nations, the participating States of the Organization for Security and Cooperation in Europe and the member States of the Council of Europe

In view of the repeated endeavours by the Georgian authorities to get the General Assembly to vote on the resolution on the situation of internally displaced persons and refugees from Abkhazia and South Ossetia, we consider it necessary to explain the position of Abkhazia on this issue.

In particular, we draw the attention of the members of the Assembly to the fact that, in March 1999, notwithstanding the lack of any resolution to the Georgian-Abkhaz conflict, the authorities of the Republic of Abkhazia, demonstrating their good faith and willingness to solve the problem of refugees, and also acting in pursuance of the provision of the quadripartite agreement of 4 April 1994 on the voluntary return of refugees and displaced persons, officially announced that the Abkhaz authorities were launching a process, on a unilateral basis, of returning Georgian refugees to the Gali district of Abkhazia.[1]

To implement this initiative by the Abkhaz authorities, a government commission has been set up under the First Deputy Prime Minister of Abkhazia, Konstantin Ozgan, to tackle issues related to the social and economic rehabilitation of the district and the creation of the necessary conditions for the orderly and safe return of refugees to the Gali district.

This unilateral initiative by the Abkhaz authorities has provoked a harshly negative reaction from Georgia, which alleges that the security of the returning refugees has not been fully assured.

Georgia has deliberately and systematically continued to escalate tension and to destabilize the situation in the Gali district. The Georgian authorities have organized various pickets and demonstrations on their side of the frontier, threatening and intimidating Georgian refugees returning to Abkhazia in an effort to prevent their mass return to the country.[1]

What the Georgian authorities are really worried about in this situation, however, is the unresolved core issue: under whose jurisdiction will the returning Georgian refugees find themselves? According to the Georgian authorities, refugees who return to the Gali district of Abkhazia before it is brought under the jurisdiction of Georgia will be lost to Georgia. Thus, in his article "We shall return in dignity to Abkhazia," the then Georgian Minister of State, Vazha Lordkipanidze, wrote: "Georgia sets the following conditions: refugees should return, not to an

[1] United Nations Observer Mission in Georgia, Report of the joint assessment mission to the Gali district (20-24 November 2000), para. 24.

independent Abkhazia, but to Georgia".[2] Similar statements were made on Georgian television by the then Georgian President Eduard Shevardnadze.

It is increasingly clear that the Georgian authorities are not interested in the return of refugees until Georgian jurisdiction over Abkhazia has been restored. All this is direct confirmation of the true intentions of Georgia, which is not seeking any solutions to the humanitarian issues and is constantly politicizing the process of refugee return.

According to the First Deputy Prime Minister of Abkhazia, Konstantin Ozgan, head of the government commission, the Georgian authorities had no interest in the return of refugees and were using them as a means of putting pressure on the Abkhaz leadership. To this end, they resorted to intimidation, took away people's passports, threatened to cut off the assistance provided by international humanitarian organizations, and other ruses. During a scheduled meeting between the members of the government commission and the local population in the Gali district a bomb went off, leaving several people, including members of the commission, with injuries of varying severity. These destructive actions by the Georgian authorities were designed to sow fear among local people returning voluntarily to their homes, and also to demonstrate to the international community the alleged inability of the Abkhaz leadership to restore order in this "problem" region.

This blatant aggression on the part of the Georgian authorities was noted by the United Nations fact-finding mission which worked together with OSCE in the Gali district of Abkhazia in November 2000. In paragraph 58 of its final report, the mission clearly states that, for a few years after the end of open hostilities, armed groups of Georgians carried out targeted attacks in the Gali district. In public statements by the leaders of the most widely known groups, such as the White Legion and the Forest Brothers, it was stressed that their main task was to secure the return of Abkhazia by force. Their immediate task was to create an atmosphere of fear and insecurity among refugees who had returned to the Gali district, in order to demonstrate that it was impossible to remain in safety in territory controlled by the Abkhaz authorities. To achieve this aim, they resorted to ambushes, kidnapping and the targeted laying of landmines.[3]

It became obvious that the Georgians were not going to facilitate the return of refugees, but instead would only hinder the process. As a result, the governmental commission suspended its work. It still proved possible, however, to arrange the return of some 50,000 Georgian refugees to areas of the Republic of Abkhazia, primarily the Gali district. Furthermore, the Gali district is not the only area of Abkhazia where Georgians live. According to the State Statistics Office of the Republic of Abkhazia, there are in total 13,329 ethnic Georgians living in other districts of Abkhazia.

This is perhaps the only example in the modern world of such a wide-scale return of refugees to an area before the end of an ethnic conflict.

Unfortunately, in spite of concerted efforts in the Republic of Abkhazia by various influential international organizations, including the Office of the United

[2] *Svobodnaya Gruziya* ("Free Georgia"), 11 March 1999.

[3] United Nations Observer Mission in Georgia, Report of the Joint Assessment Mission to the Gali District (20-24 November 2000), para. 58.

Nations High Commissioner for Refugees (UNHCR), which was directly responsible for monitoring the refugee return process, UNHCR experts have still been unable to verify the return of refugees to the Gali district and their return to the territory of the Republic of Abkhazia has therefore not been officially registered.

In response to repeated requests from the Abkhaz authorities, UNHCR conducted a study among Georgian refugees living in Georgia, regarding the conditions under which they would be willing to return en masse to Abkhazia. It is telling that, in the survey, 94.1 per cent of respondents stated that they would only return to Abkhazia after it had been reintegrated with Georgia. Only 2.5 per cent of the Georgian refugees are willing to return to their permanent homes in a Republic of Abkhazia which is independent of Georgia.[4]

At the same time the Georgian authorities are constantly manipulating figures on the numbers of Georgian refugees, deliberately misleading the international community. According to the latest figures on the Georgian side, as reflected in the quarterly report of the Ministry of Foreign Affairs of Georgia on the situation of human rights in Abkhazia and South Ossetia, at the current time the number of Georgian refugees from Abkhazia is allegedly around 430,000.[5] The Georgian delegation harps on these inflated statistics in their statements at various forums of the United Nations system and of international and regional organizations.

According to the 1989 Abkhaz census, however, there were 240,000 ethnic Georgians living in the territory of Abkhazia. Clearly the number of people who fled Abkhazia during the Georgian-Abkhaz conflict cannot be higher than this figure. Accordingly, the figure of 430,000 is invented and designed to misinform the international community, including the United Nations Member States.

For many years Georgia has been breaching the individual and collective rights of citizens of the Republic of Abkhazia, implementing deliberate measures to achieve the international isolation of the citizens of Abkhazia, obstructing their efforts to exercise their right to freedom of movement, and to have access to education and good quality medical care in foreign countries.

This policy is reinforced by Georgia at the legislative level. We refer here to the discriminatory Georgian act on the so-called "occupied territories", pursuant to which citizens of foreign countries entering the territory of the Republic of Abkhazia from the Russian Federation are liable to criminal prosecution in Georgia. These actions by the Georgian leadership directly contravene article 13 of the Universal Declaration of Human Rights, which affirms the right of every person to freedom of movement, and to leave any country, including their own, and to return to their country.

Attention is drawn to the need to review the discriminatory act on occupied territories by the European Commission in its 2014 report and recommendations on the implementation of the European Neighbourhood Policy in Georgia.[6] In the opinion adopted at its ninety-seventh plenary session on 6 and 7 December 2013,

[4] Intentions Survey on Durable Solutions: Voices of Internally Displaced Persons in Georgia, UNHCR, June 2015, p. 65, table 6.1b.

[5] First Quarterly Report (January-March 2015) of the Ministry of Foreign Affairs of Georgia on the Human Rights Situation in the Occupied Regions of Georgia, para. 1.2.

[6] Implementation of the European Neighbourhood Policy in Georgia: Progress in 2014 and recommendations for actions, p. 9.

the Venice Commission also urged the Government of Georgia to take that step, regarding the discriminatory Georgian act on "occupied territories".[7]

In this way, the Georgians are themselves wilfully contravening international human rights standards, depriving citizens of Abkhazia of the opportunity to exercise without impediment their rights to freedom of movement, to receive good quality education and medical care, to cultural, sporting and social interaction and to mobility for the purposes of study.

Given the above, the Abkhaz authorities once again insist on the need for their participation in the work of the main United Nations committees dealing with refugee issues, in order that they can put forward their own position to the representatives at the General Assembly. We firmly believe that this problem cannot be resolved without taking due account of the views and positions of the Abkhaz authorities.

Regrettably, the Abkhaz authorities have been prevented from having any contact with the main committees of the United Nations and the delegations of the United Nations Member States by the actions of the United States Department of State, which has exploited its country's position as the host of the United Nations routinely to refuse entry to the United States of America by the official representatives of the Republic of Abkhazia.

We call upon the Member States of the United Nations to give their attention to those actions of a discriminatory nature, which are in conflict with existing international standards, and to take the necessary measures to enable the Abkhaz delegation to travel to the General Assembly and to participate in the work of the main committees prior to the vote in the Assembly on the issue of refugees from Abkhazia and South Ossetia.

April 2016

[7] Opinion no. 744/2013 on the 2013 Draft Amendments to the Law on the Occupied Territories of Georgia, adopted by the Venice Commission at its 97th Plenary Session, Venice, 6-7 December 2013.